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Approved for use through 10/31/2002. OMB 0651-0031
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|--|------------------------|-----------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/753,537 |
| | Filing Date | Jan. 2, 2001 |
| | First Named Inventor | David L. Multer |
| | Group Art Unit | 2631 |
| | Examiner Name | Unknown |
| Total Number of Pages in This Submission | Attorney Docket Number | FUSN1-01003US0 |

| ENCLOSURES <i>(check all that apply)</i> | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Declaration for Patent Application Abstract |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Larry E. Vierra, Vierra Magen Marcus Harmon & DeNiro LLP |
| Signature | |
| Date | July 18, 2001 |

| CERTIFICATE OF MAILING | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>July 18, 2001</u> | |
| Typed or printed name | Larry E. Vierra |
| Signature | |
| Date | July 18, 2001 |

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PTO/SB/21 (08-00)

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| | Group Art Unit | 2631 |
| | Examiner Name | Unknown |
| Total Number of Pages in This Submission | Attorney Docket Number | FUSN1-01003US0 |

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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ Remarks | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notice of Incomplete Reply Copy of Transmittal Form Copy of Abstract Copy of postcard |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or Individual name | Larry E. Vierra, Vierra Magen Marcus Harmon & DeNiro LLP |
| Signature | |
| Date | October 1, 2001 |

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| Typed or printed name | Larry E. Vierra |
| Signature | |
| Date | October 1, 2001 |

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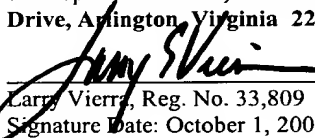


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------|---|---------------------------|
| In re Application |) | <u>PATENT APPLICATION</u> |
| Inventors: |) | Art Unit: 2631 |
| Application No.: |) | Examiner: Unassigned |
| Filed: |) | |
| Title: |) | |
| BINARY DATA |) | |
| SYNCHRONIZATION ENGINE |) | <u>Customer No. 28554</u> |

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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Larry Vierra, Reg. No. 33,809
Signature Date: October 1, 2001

(Attorney Signature)

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in reply to the Notice of Incomplete Reply mailed on September 13, 2001. The Notice indicates that the reply mailed on July 18, 2001 and received by the U.S. Patent and Trademark Office on July 23, 2001 was incomplete as it did not contain a new abstract as required by the Notice of Missing Parts dated February 21, 2001.

However, applicants respectfully submit that the reply did in fact contain a new abstract. Enclosed herewith is a copy of the date stamped postcard returned by the U.S. Patent and Trademark Office which indicates that an Abstract was being submitted. MPEP §503 provides that:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Also enclosed herewith is another copy of the Transmittal Letter and Abstract which were originally mailed on July 18, 2001.

It is therefore respectfully requested that the Notice of Incomplete Reply be withdrawn and the application be forwarded to the Examiner.

Should further questions remain, please do not hesitate to contact the undersigned attorney.

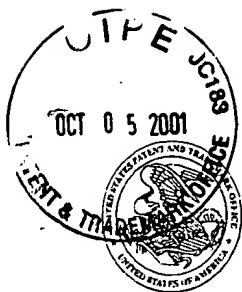
Respectfully Submitted,

Dated: October 1, 2001

By: 

Larry E. Vierra
Reg. No. 33,809

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/753,537 | 01/02/2001 | David L. Multer | FUSN1-01003US0 |

CONFIRMATION NO. 1714

FORMALITIES LETTER



OC000000006550770

Larry E. Vierra
Vierra Magen Marcus
Harmon & DeNiro LLP
685 Market Street, Suite 540
San Francisco, CA 94105

Date Mailed: 09/13/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



The United States Patent and Trademark Office date stamp
sets forth the date of receipt of:

Applicant: Multer, et al.
Appl. No: 09/753,537 ✓
Filing Date: Jan. 2, 2001
Title: Binary Data Synchronization Engine

Enclosed:

1. Transmittal Form
2. Fee Transmittal
3. Petition for Extension of Time
4. Copy of Notice of Missing Parts
5. Declaration
6. Assignment and Recordation Form Cover Sheet
7. Abstract
8. Check in the amount of \$550.00
9. Certificate of Mailing



Attorney Docket No.: FUSN1-01003US0 Attorney: Larry E. Vierra
Mailing Date: July 18, 2001

Vierra Magen Marcus Harmon & DeNiro

File: FUSN1-01003US0
Action: Office Action Expected
Due Date: Apr. 2, 2002
Deadline Date: _____
Attorney Path: LEV